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Letter dated 21 May 2001 from the Secretary-General addressed to the President of the Security Council

I wish to refer to Security Council resolution 1333 (2000) of 19 December 2000, and in particular paragraph 15 (a), in which the Security Council requested me to establish a Committee of Experts on how the arms embargo and the closure of terrorist training camps demanded in paragraphs 3 and 5 of the resolution could be monitored and for the Committee to make recommendations to the Council at the end of its mandate.

Further to my letter dated 8 March 2001 (S/2001/206), I have the honour to transmit to you the Committee's report, submitted to me by its Chairman. I should be grateful if you would bring the report to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**

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Annex

Letter dated 18 May 2001 from the Chairman of the Committee of Experts on Afghanistan appointed pursuant to Security Council resolution 1333 (2000) addressed to the Secretary-General

On behalf of the members of the Committee of Experts on Afghanistan, I have the honour to enclose herewith a report in accordance with paragraph 15 (a) of Security Council resolution 1333 (2000).

In this regard, the Committee of Experts would appreciate it if you could kindly forward this letter and its enclosure to the attention of the President of the Security Council.

(*Signed*) Haile **Menkerios**
Chairman
Committee of Experts on Afghanistan
Security Council resolution 1333 (2000)

(*Signed*) Reynaldo O. **Arcilla**

(*Signed*) Michael E. G. **Chandler**

(*Signed*) Mahmoud **Kassem**

(*Signed*) Atilio N. **Molteni**

Enclosure

Report of the Committee of Experts appointed pursuant to Security Council resolution 1333 (2000), paragraph 15 (a), regarding monitoring of the arms embargo against the Taliban and the closure of terrorist training camps in the Taliban-held areas of Afghanistan

Summary

On 15 October 1999 the Security Council unanimously adopted resolution 1267 (1999), in which it demanded that the Taliban in Afghanistan hand over Usama bin Laden, in order that he might be brought to justice, and required the Taliban to cease the provision of sanctuary and training for international terrorists and their organizations. The Taliban took no steps to comply with the Security Council's demands in resolution 1267 (1999), neither with respect to Usama bin Laden nor with respect to the cessation of sanctuary and training for international terrorists and their organizations. Consequently, on 19 December 2000 the Security Council adopted resolution 1333 (2000) to strengthen enforcement of resolution 1267 (1999) and impose further measures on the Taliban.

In order for the Security Council to take the appropriate decision(s) with regard to sanctions, the Council recognized the need for an effective mechanism by which to monitor the degree of compliance with the demands set out in its resolutions. Consequently the Council decided, in resolution 1333 (2000), paragraph 15 (a), to establish a committee of experts to make recommendations on how to monitor (a) the arms embargo and (b) the closure of terrorist training camps. A five-member committee, which was asked to report within 60 days, was thus formed and commenced its work on 19 March 2001.

In order to fulfil its mandate the Committee undertook a series of fact-finding and information-gathering meetings with those States neighbouring Afghanistan or which have a specific involvement concerning the resolutions, that is, the countries referred to as the "six plus two", China, the Islamic Republic of Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan and the Russian Federation and the United States of America.

All the countries visited stressed the fact that without a stable Afghanistan their own stability and security was threatened. All concurred that there can be no military solution to the conflict. They stressed that there has to be a political solution which ultimately is the responsibility of the Afghan people.

To be effective and to ensure the credibility of the United Nations, the sanctions must be enforced. However, they must also be seen as an inducement to the Taliban to engage in meaningful negotiations, leading to the establishment of a broad-based, multi-ethnic and fully responsible government in Afghanistan.

The Six have all stated to the Committee that they will abide by resolutions 1267 (1999) and 1333 (2000) and that they are implementing the requirements of the resolutions with their border control services. The composition of these services varies from country to country but, in the main, they are made up of customs, border guards or police and security service personnel. In some cases the military are also involved.

The effectiveness of these border services varies, depending on their training, the equipment they possess and other local parameters, for example, supporting legislation. All visited have stated that they would welcome the assistance of the international community in improving the capability of their services in the fight against organized crime, drugs and arms smuggling and illegal immigration. Strengthening the border control capabilities of the Six is therefore a key aspect of the measures that should be adopted, particularly in the areas of equipment, techniques, training and legislation.

The Committee recommends that the arms embargo and the closure of the terrorist training camps can best be monitored by making use of the mechanisms which each of Afghanistan's neighbours has in place and by enhancing those countries' efforts with the establishment of sanctions enforcement support teams in each country. These support teams, made up of customs, border security and counter-terrorism experts, should form the basis of a United Nations office for sanctions monitoring and coordination — Afghanistan. The Office, headed by a Director and staffed with specialist officers, will support the work of the teams in the field, as well as task the teams to verify and report to the sanctions Committee on allegations of sanctions-busting and progress being made, in each of the countries, to improve the effectiveness of their border control and counter-terrorism services.

Other recommendations of the Committee are enumerated in the recommendations section of the report.

In the interest of safety and security and speed of implementation the Committee recommends that the proposed sanctions enforcement support teams be based with the existing United Nations offices in the countries neighbouring Afghanistan.

I. Introduction

1. On 15 October 1999 the Security Council unanimously adopted resolution 1267 (1999) in which it demanded that the Taliban in Afghanistan hand over Usama bin Laden, in order that he might be brought to justice, and required the Taliban to cease the provision of sanctuary and training for international terrorists and their organizations.

2. Since the adoption of resolution 1267 (1999), the Taliban have taken no steps to comply with the Security Council's demands, neither with respect to Usama bin Laden nor with respect to the cessation of sanctuary and training for international terrorists and their organizations. Consequently, on 19 December 2000 the Security Council adopted resolution 1333 (2000) to strengthen enforcement of resolution 1267 (1999) and impose further measures on the Taliban.

3. Resolution 1333 (2000), in which among other measures the Security Council imposed an arms embargo on the Taliban and demanded that it close all terrorist training camps, came into effect on 19 January 2001 and remains valid for one year. At the end of that period, the Council will decide whether the Taliban has complied with its demands by delivering Usama bin Laden to a place where he would be brought to justice and by closing terrorist training camps.

4. In order for the Security Council to take the appropriate decision(s), the Council recognized the need for an effective mechanism by which to monitor the degree of compliance with the demands set out in its resolutions. Consequently in resolution 1333 (2000), paragraph 15, the Council specifically requested the Secretary-General in consultation with the Committee to appoint a committee of experts to make recommendations within 60 days regarding how the arms embargo and the closure of the terrorist training camps could be monitored, including inter alia the use of information obtained by Member States through their national means and provided by them to the Secretary-General.

5. A five-member committee composed of the following experts was accordingly appointed by the Secretary-General and commenced its work on 19 March 2001:

Mr. Haile Menkerios (Eritrea) (Chairman)
Mr. Reynaldo O. Arcilla (Philippines)
Mr. Michael Chandler (United Kingdom of Great Britain and Northern Ireland)
Mr. Mahmoud Kassem (Egypt)
Mr. Atilio Norberto Molteni (Argentina)

Aim

6. The aim of this report is to make effective, realistic and affordable recommendations on how to monitor the arms embargo and the closure of the terrorist training camps, as requested in Security Council resolution 1333 (2000).

7. From the outset of the Committee's work it became clear that the matter of financing both the purchase of arms and ammunition and the training of terrorists is integral to the overall problem. The Committee therefore looked into this issue, at every appropriate level, because of the use by the Taliban of money obtained from the production and sale of drugs to support the war in Afghanistan and the training of terrorists.

Orientation

8. Afghanistan, a rugged mountainous country, punctuated by ravines and broader valleys, the latter often very fertile, lies astride the historical trading routes between East and West and North and South Asia and the old Silk Road. The Afghan border totals 5,529 kilometres, being divided, in a clockwise direction, with its six neighbours. Although officially recognized international border entry points are few and far between (see table and map), there are a number of secondary entry points and many unofficial crossing points, particularly on the Afghan-Pakistan border. Smuggling or "trading", as it is known locally, is historically endemic to the region. Unless the Governments concerned pursue an aggressive anti-smuggling policy, however, the majority of contraband goods will continue to transit official border entry points.

Neighbouring country	*Joint border (km)*	*International border entry points*
Iran (Islamic Republic of)	936	Islam Qala (on road to Herat)
Turkmenistan	744	Serhetabat (ex-Khuska) and Imamnazar
Uzbekistan	137	Termez (currently closed)
Tajikistan	1 206	Dusti
China	76	
Pakistan	2 430	Torkham (Khyber Pass) and Chaman

9. The terrain and nature of these border zones is very different from country to country. The areas bordering the Islamic Republic of Iran and Turkmenistan are, for the most part, undulating desert, unlike that with Pakistan, where the border runs for most of its length through very rugged, hostile mountainous country. The northern border with Uzbekistan and Tajikistan, plus a small section with Turkmenistan, is clearly defined and control of it is enhanced by the Amu Darya (or Darya ye-Panj) River, along which lie three ports serving Afghanistan, Keleft (on the border with Turkmenistan), Jeyretan (on the border with Uzbekistan) and Shir Khan (on the border with Tajikistan) (see map).

10. More details on the current situation in Afghanistan and the context within which the majority of the Committee's discussions took place may be found in the most recent report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security, of 19 April 2001 (A/55/907-S/2001/384).

II. Methodology

11. In order to achieve its aim, the Committee undertook a series of fact-finding and information-gathering meetings with those States neighbouring Afghanistan or which have a specific involvement concerning the resolutions, that is, the countries referred to as the "six plus two". The Committee met first with the Permanent Missions to the United Nations of those countries and then with the appropriate representatives of their Governments in their respective capitals, except Beijing. The programme of visits to the region took a full four weeks of the time allotted to the Committee and was carried out in the following order: Washington, D.C., Moscow, Ashgabat, Dushanbe, Tashkent, Delhi, Islamabad and Tehran.

12. Visits to all these countries were managed through their respective Ministries of Foreign Affairs, and included discussions with all the departments responsible for border control measures; police, customs and the security services. In addition, where it was relevant, the Committee met with Ministry of Defence officials.

13. The Committee wanted to hear, first hand from the responsible officials, the commitment of their respective Governments to the relevant resolutions of the Security Council and the measures they have initiated to ensure the effective implementation of the sanctions since the resolutions came into effect. The Committee was also seeking information as to the success of the mechanisms they have in place, and the problems and difficulties, if any, the Governments are encountering in ensuring compliance with the sanctions.

14. One country not visited by the Committee was China, primarily owing to the short time within which the Committee was required to make its recommendations. However, the Committee did meet with China's Permanent Mission to the United Nations and with the Chinese Ambassadors in Turkmenistan and Pakistan.

15. The Committee's request to visit the United Arab Emirates was initially refused, which is regrettable. Although it was later granted, the dates proposed (after 2 June) were well outside the time frame allotted for the Committee's mandate. Hence the Committee was left with questions relating to the arms embargo and money-laundering, which remain unanswered.

16. A meeting with the Taliban authorities, which had been requested through their representatives, did not materialize despite the Committee having made preparatory arrangements and allowed time, while in Pakistan, for a visit to Kabul and/or Khandahar. Unfortunately, the death of Mullah Rabbani and the

subsequent period of Taliban public mourning coincided with the Committee's visit to Islamabad. This event may have provided the Taliban with a convenient excuse for not meeting with the Committee.

17. Besides Afghanistan's neighbours, the Committee also met in Vienna with the Office for Drug Control and Crime Prevention of the United Nations Secretariat and the Director of the Wassenaar Arrangement; in New York with the Office for the Coordination of Humanitarian Affairs and the experts comprising the Monitoring Mechanism on Sanctions against UNITA; in Brussels with former members of the now disbanded Sanctions Assistance Monitoring Mission to the former Yugoslavia and in Lyon with members of Interpol. The Committee was particularly interested to hear what mechanisms these agencies have in place, how these work and where there might be opportunities for cooperation. The Committee further had consultations with French and United Kingdom government officials, in Paris and London.

18. In addition, the Committee had a number of informal meetings with other personalities and officials whose knowledge of the situation in the area was extremely valuable.

19. The Committee received excellent logistic support and assistance from the local offices of the United Nations Development Programme (UNDP) for the visits to the countries neighbouring Afghanistan.

III. Findings of the Committee

A. General observations

20. The "Six" have all stated to the Committee that they are prepared to abide by Security Council resolutions 1267 (1999) and 1333 (2000), despite Pakistan and, to a lesser degree, Turkmenistan and China having certain reservations about the two resolutions.

21. All the countries visited stressed the fact that without a stable Afghanistan their own stability and security was threatened. All concurred that there can be no military solution to the problem. There has to be a political solution that ultimately is the responsibility of the Afghan people.

22. The sanctions must be strictly enforced to ensure the credibility of the United Nations and to be effective. But they must also be seen as an inducement to the Taliban to engage in meaningful negotiations leading to the establishment of a broad-based, multi-ethnic and fully representative government, which will benefit all the peoples of Afghanistan.

23. No monitoring of sanctions will be effective unless there is the total commitment to its implementation by the Member States directly involved. This statement refers particularly to the six countries that border Afghanistan, namely, China, the Islamic Republic of Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan ("the Six").

24. The Committee was given detailed briefings on how each country visited controls its borders with Afghanistan, including, in general terms, the number and types of law enforcement agencies deployed, that is, customs, border guards and security service. Among them, the Six have around 100,000 troops or border guards assigned to controlling their borders with Afghanistan. The methods used, the supporting legislation and the effectiveness of the various border control measures differ from country to country. All those visited stated that they wanted to modernize their services and that they would welcome training and equipment support from the international community. Strengthening the border control capabilities of Afghanistan's neighbours is therefore a key aspect of the measures that should be adopted to ensure effective monitoring.

25. The Committee has also noted a lack of coordination among the Six on how to make the control of their borders more effective. One of the reasons for this situation is the poor state of their political relationships. Another reason is incompatibility in their governmental and security organs, which in many tend to be centralized and compartmental in structure.

26. Drug-trafficking affects all the countries in the region, all of which are now suffering an increase in drug abuse among their own populations. Consequently, there is a genuine interest in controlling the flow of narcotics into their countries and they have accepted the presence of international personnel to assist in combating this difficult problem.

27. The Office for Drug Control and Crime Prevention has thus been able to establish field offices in the region and an assessment and reporting mechanism between those representatives in the field and the headquarters in Vienna. (The interrelation of

drug trafficking with the Committee's task is covered in more detail in paragraphs 55-65 below.)

28. One peripheral but important aspect which must be addressed involves illegal flights in and out of Taliban-controlled Afghanistan. The sanctions Committee has established a mechanism for approving and monitoring permitted flights, in and out of Taliban-controlled airspace, as allowed under resolution 1267 (1999). However, no means currently exists for observing and verifying illegal flights in and out of Taliban-controlled Afghanistan, which is one possible way by which arms, terrorists and cash are moving in contravention of the embargoes.

B. Enforcing the arms embargo

29. The arms embargo is aimed at limiting the capacity of the Taliban to continue its material support for armed terrorism and prosecution of the civil war. The embargo includes a ban on the sale or supply of arms, ammunition and related materiel to Taliban-controlled Afghanistan, and a ban on the sale or supply of technical advice, assistance or training, related to the military activities of the armed personnel under the control of the Taliban.

30. The Committee was informed on a number of occasions that the Taliban has more than enough weapons and that since the Six have been complying with resolution 1333 (2000) "... no weapons have crossed their frontiers on route to the Taliban! ..." All report that Afghanistan has, and continues to suffer from, a surfeit of weaponry, particularly small arms and light support weapons, amassed from a variety of sources over a period of time. Many in fact, particularly Pakistan, Tajikistan and Uzbekistan, complained that weapons are entering their countries from Afghanistan, apparently for dissident extremist groups.

31. Logic suggests that the supply of ammunition for mortars, artillery, long-range rocket systems and tanks is a tremendous logistics task for the Taliban, considering the quantities of all types of ammunition expended during past offensives. To believe that the Taliban are still surviving on former stocks is naive. The replenishment of such quantities would be quite significant and would involve a large number of trucks and/or cargo aircraft sorties. Even if the suggestion that the Taliban received considerable quantities of ammunition and materiel shortly before resolution 1333 (2000) came into effect on 19 January 2001 is true, it is highly likely, as offensives get under way, that the Taliban will need to replenish their stocks.

32. Besides ammunition the Taliban needs diesel for tanks and armoured personnel carriers and aircraft turbine fuel to fly helicopters and their MIG-21 fighter-bombers. A MIG-21 uses about 4,000 litres per 35-minute sortie, which means that, even with low-intensity operations, large quantities of fuel will have to cross into the Taliban-controlled areas, especially as the fighting intensifies. The Committee therefore feels that urgent consideration should be given to aircraft turbine fuel, and possibly the special fluids and lubricants needed for use in armoured vehicles, being specified in the embargo.

33. The flow of arms into, within, and from Afghanistan is a major long-term cause of insecurity and instability in the central Asian region. Therefore effective arms control measures need to be implemented by the Six, reinforced at regional and international levels, in order to confront this grave challenge to international peace and security.

34. However, any measures proposed for Afghanistan must be seen in the wider context of arms control measures targeted elsewhere. Recent international initiatives to control the trade in illegal weapons, including the achievements of the United Nations expert committees on Angola, Rwanda and Sierra Leone and the Wassenaar Arrangement, have resulted in a number of recommendations intended to improve arms control measures. Some of these measures require to be directed towards the situation in Afghanistan within the context of resolution 1333 (2000), in particular the norms at the global, regional and national levels already suggested in the draft programme of action (A/CONF.192/PC/L.4/Rev.1). This draft programme is to be presented for finalization during the United Nations Conference on the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, to be held in New York from 9 to 20 July 2001.

35. Legislation to enforce and strengthen controls on the movement of illicit arms and to respect sanctions regimes should be adopted at the national level. If the necessary political will and institutions are in place, eventual measures could also include the standardization of end-user certificates to make them harder to forge and misuse, and a more effective

system of marking and identifying weapons. Such national efforts should then be coordinated with similar measures at regional and international levels.

36. In particular, Member States should be encouraged to incorporate United Nations sanctions into their national legislation and to prosecute their nationals and companies found guilty of violating the sanctions.

37. The Committee took note of the progress made to date by the States participating in the Wassenaar Arrangement, but also noted that none of the Six were members of the group. Those qualified to join should be encouraged to become active members, and their commitment to comply with the Wassenaar Arrangement could be a positive signal, not only for sanctions enforcement, but also for a general reduction of the threats to security in the region as a whole.

38. The Committee is of the opinion that States should, if not totally control, at least strictly regulate, all arms transactions by "brokers or dealers". Arms are required primarily for the defence of a country from external aggression or internally, to preserve law and order, be the threat from criminals or terrorists. Therefore it should be possible for sales of arms and ammunition to be agreed between States or directly between buying State and the manufacturer in another State, with the latter's approval of the export. Countries must be encouraged to adopt legislation to strictly control this nefarious trade. Consideration should be given to registering all known arms brokers and dealing severely with those acting in contravention of national legislation or embargoes established by the United Nations.

39. One important means of enforcing an arms embargo is to publish information concerning violations of end-user certificate provisions, including names of companies, countries and individuals involved, as well as cases of unauthorized re-transfer of weapons to third parties. Annex I lists a series of measures, by priority, which should be taken, in conjunction with other international arms control organizations and agencies, by a body established to oversee the implementation of an arms embargo. Besides the measures listed, the following key aspects of an arms control regime would have to be set in train internationally and addressed by the monitoring body:

- Addressing illicit supply
- Transparency of laws and regulations and ensuing penalties
- Supporting existing legislation
- Standardization of legislation
- Extradition and related judicial procedures
- Transparency of production, licensing and export regulations
- Creation of an international registry for small arms and light weapons

40. As mentioned above (para. 28) the Committee is concerned that no means of monitoring illegal flights in and out of Taliban-controlled Afghanistan currently exists. This concern was raised with the authorities of the Islamic Republic of Iran and Pakistan, particularly with respect to "gun-running" aircraft bringing in tank, mortar and artillery ammunition for the Taliban. Both confirmed that because of the nature of the terrain it is almost impossible for them to spot aircraft on their air traffic control radars, when they are flown low by determined and experienced pilots. It would be reasonable for those Member States that have the capability to observe aircraft movements in and out of the Taliban-controlled Afghanistan to assist with providing such data to the monitoring mechanism proposed later in this report by the Committee.

C. Closure of terrorist training camps

41. Ample reports exist to indicate the presence of camps in the areas under the control of the Taliban in which terrorists[1] are trained. A large proportion of the foreign "terrorists" fight on the side of the Taliban, believing that they are involved in a Holy War or Jihad, and in many instances this forms part of their "military" training. There are indications that the Taliban is having to rely more and more on so-called "Arab-Afghan" and Pakistani recruits and mercenaries in its efforts to defeat the United Front, as war-weary

[1] For the purposes of the Committee's task, "terrorists", as referred to in resolution 1333 (2000), are the clandestine agents or sub-national groups, be they Afghans or from other countries, that are preparing and training to perpetrate premeditated, politically motivated violence against non-combatant targets in countries other than Afghanistan to achieve sectarian goals.

indigenous Afghans demonstrate an increasing reluctance to be recruited into the ranks of the forces.

42. An important source of recruits to the Taliban cause, is the many *madrassas* (religious schools) situated in Pakistan close to the Afghan border. The curricula in these institutions include training in the use of firearms. From these schools, young men and even boys, both Afghan refugees and Pakistani nationals, are encouraged in the name of Islam to go and fight on the side of the Taliban. This "forced" recruitment, the schools often being closed for the periods of the summer offensives in Afghanistan, is performed quite openly. Some Pakistani government officials have admitted knowledge of the paramilitary activities of these religious schools. Despite official expressions of disquiet with these activities, and a once failed attempt to standardize the curricula, they are apparently allowed to continue unabated.

43. Pakistan must therefore be encouraged to regulate the curricula at the *madrassas*, particularly those situated near the border with Afghanistan, and to actively control the movement into and out of Afghanistan of their own nationals and those of other countries.

44. As to the actual training camps, many of these are simple, rudimentary affairs that can easily be struck and the occupants rapidly dispersed to other locations. In other cases it appears that the terrorists receive some or part of their training in "regular" Taliban military facilities, compounding the overall situation and thus making solutions to the problem difficult to achieve.

45. In resolution 1333 (2000), paragraph 15 (a), the Security Council called for the inclusion in the recommendations of the Committee of recommendations on the use of information obtained by Member States through their national means. It is well known that very detailed information exists that could be made available, particularly concerning terrorist training camps, which will be a crucial ingredient in an effective monitoring mechanism. This information, together with that from all the other countries involved, should be submitted to a central point where it can be collated, cross-referenced and analysed. Such an operation will require a customized database and have to be managed by a staff of professionals, with expertise in the appropriate disciplines.

46. Any move on the part of the Taliban "authorities" towards the closure of terrorist training camps in Afghanistan would have to be accompanied by an on-site verification process and supported by imaging data supplied by Member States.

47. However, the view of the Committee is that closure of the camps is not sufficient if the aim is to stop the Taliban from providing sanctuary for international terrorists and a base from which they can operate with impunity. Although the Council in paragraph 3 of resolution 1333 (2000) demanded that the Taliban close all camps where terrorists are trained within the territory under its control, this demand is only a reiteration of the insistence contained in paragraph 1 of resolution 1267 (1999), which goes into greater detail concerning the cessation of sanctuary, training and support for terrorist activities.

48. If the demands of the international community are to be met by the Taliban, then it will be necessary for the Taliban to expel or repatriate the "foreign" terrorists; itself a problem as many of those concerned would be subject to prosecution in their countries of origin. However, those foreign recruits or mercenaries who have fought with the Taliban only inside Afghanistan, particularly the "summer offensive reinforcements" who are trawled from the *madrassas* in Pakistan (see para. 42 above) could perhaps be repatriated, preferably under international supervision (by the International Committee of the Red Cross, for example).

49. The Committee therefore concluded that, on the assumption that the Taliban agrees to any such process of closures and "repatriations", these requirements of the international community must be an integral part of any negotiations leading to a comprehensive peace plan for Afghanistan.

50. During its visits the Committee was unable to ascertain any specific patterns of movement or particular routes taken by the terrorists when departing for operations outside Afghanistan. If anything, the Committee received quite contradictory reports about which countries' borders the terrorists crossed. Some countries made strong allegations that members of the Islamic Movement of Uzbekistan (IMU) cross through Turkmenistan when heading for Uzbekistan, while others alleged that IMU crossed through Tajikistan unhindered, en route to Uzbekistan. Officials in Pakistan made it clear that, for a host of reasons, it was

virtually impossible to control movement across their border with Afghanistan.

51. Another area of concern is how the "terrorists" can be identified. The Committee was told that many of them operate under aliases. Besides the multiplicity of origins of the foreign terrorists, officials in Pakistan stated that it is almost impossible to tell the difference between a Pashtun from eastern Afghanistan and a Pashtun from Pakistan's North West Frontier Province who might cross to Afghanistan. It is the same with the other ethnic groups which straddle the border between Afghanistan and Pakistan.

52. Thus the Committee came to an understanding that a two-pronged approach was necessary. With regard to the closure of the camps, initially a monitoring organization would have to concentrate on building up a very comprehensive picture, using information supplied to the Secretary-General by Member States, with which to publicize extensively and regularly the whereabouts and use of terrorist training facilities inside Taliban-controlled Afghanistan. Meanwhile the Pakistan authorities should be urged to exercise greater control over the *madrassas* on their territory and the movement of people across their common border with Afghanistan.

53. The Committee fully appreciates all aspects of the situation along this long stretch of the border, including the background to the Durand Line, the problems of inaccessibility to the "Tribal Areas", the porosity of the borders, the difficult terrain and other ethnic rivalries. However, the Committee firmly believes that there are a number of measures and techniques that Pakistan could employ, with the full support of the international community, which would enhance the efforts of the Government of Pakistan in the difficult and challenging task of controlling movements across their border.

54. The Committee also considers that an overall improvement in controls, particularly on the border between Afghanistan and Pakistan, will also assist in combating the movement of arms and ammunition, in either direction, and curb the flow of narcotics.

D. Drug trafficking

55. While its mandate is limited to making recommendations on how the arms embargo and the closure of terrorist training camps can be monitored, the Committee nonetheless considered it essential also to look into the illicit drugs trade by the Taliban. Funds raised from the production and trading of opium and heroin are used by the Taliban to buy arms and other war materiel, and to finance the training of terrorists and support the operations of extremists in neighbouring countries and beyond.

56. Afghanistan became the largest producer of illicit opium in the 1990s, supplying as much as 79 per cent of world demand in 1999. Officials of the countries bordering Afghanistan that the Committee visited confirm that Afghan opiates are smuggled across the country's borders in all directions, that is, through Tajikistan, Turkmenistan, Uzbekistan, the Islamic Republic of Iran and Pakistan, to destinations in Western Europe, the Russian Federation and even North America. Officials of the countries also confirmed that drug abuse is on the increase in their own countries. Only 10 to 20 per cent of these drugs are interdicted.

57. On 27 July 2000, Mullah Muhammad Omar, the Taliban supreme leader, issued an edict totally banning opium poppy cultivation.[2] This move was received with scepticism in numerous circles, however. It was branded as a ploy to portray the Taliban as conforming with the universal drive to reduce, if not eradicate, the production of illicit drugs. That the ban coincided with the worst drought in Afghanistan in 30 years and that 2001 the price of opium and heroin has increased tenfold has only added to such cynical impressions.

58. The Office for Drug Control and Crime Prevention has reported that in 1998 total opium production in Afghanistan was about 2,500 tons. This nearly doubled, to 4,600 tons, in 1999. These figures, plus the 3,100 tons produced in 2000, appear to confirm the view that the Taliban has accumulated a sizeable stock of opium and heroin and wanted to stop production to prevent prices from further spiralling downward. This situation also puts into question the sincerity of Mullah Omar's *fatwah*. If Taliban officials were sincere in stopping the production of opium and heroin, then one would expect them to order the

[2] An assessment by the Office for Drug Control and Crime Prevention revealed that, since the edict was issued, the total number of hectares under poppy cultivation has been dramatically reduced from a high of 91,000 hectares in 1999 to some 12,000 hectares in 2001.

destruction of all stocks existing in areas under their control.

59. Heroin seizures in Europe during the fourth quarter of 2000 amounted to about 3,900 kilograms; during the first quarter of 2001, to 2,000 kilograms. The majority of these "shipments" originated in Afghanistan, indicating that the Taliban still has large quantities of the drugs in stock.

60. Preliminary findings of the Office for Drug Control and Crime Prevention reveal that opium prices in Afghanistan increased more than tenfold in the first quarter of 2001 compared with those of the previous year. On average, prices rose from $28 per kilogram in 2000 to $280 per kilogram in February 2001. In the Islamic Republic of Iran, opium prices went up from $400 in 2000 to $1,300 in February 2001 and $2,750 in March of 2001. Estimates of the income derived by the Taliban from taxes levied on opium production range from $15 to $27 million per annum. These estimates are based on the assumption that the Taliban leadership are not themselves involved in the production and trading of drugs. Some reports, however, say that Taliban officials actually control some 35 narcotics groups in the country. If this is correct, the income of the Taliban from the illicit drugs trade must be much greater.

61. In the light of the foregoing, the Committee deems it prudent on the part of the international community to redouble its efforts to interdict smuggled drugs from Afghanistan. For this purpose, the Committee feels that the flow of drugs from Afghanistan should be monitored as an integral component of the arms embargo.

62. In the past, the production of heroin and morphine has been done mostly outside Afghanistan, notably in Pakistan and Turkey. In recent years, however, it has been noted from seizure statistics that actual manufacture of heroin is now being done in Afghanistan itself. This means that acetic anhydride, a controlled substance under the 1988 Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, has been finding its way illegally into Afghanistan.

63. According to the International Narcotics Control Board, it takes between one and four litres of acetic anhydride to produce one kilogram of heroin. No substitute has as yet been identified to replace it in the chemical process. Given that Afghanistan has no other industry to speak of where acetic anhydride may be used, it may safely be assumed that the substance is brought into the country for the sole purpose of manufacturing heroin.

64. Therefore, the Committee is of the opinion that the movement of acetic anhydride should also be monitored along with the inflow of arms and war materiel and the production and outflow of illegal drugs from Afghanistan.

65. The Committee further believes that the system of licensing exports of acetic anhydride should be subject to stricter control and scrutiny.

E. Financing the Taliban

66. It is reported that, in addition to the funds realized from opiates, considerable financial support has been provided to the Taliban by individuals, private and semi-private agencies in Pakistan, including political parties, religious institutions and business cartels, much of it with the full knowledge of government officials.

67. Pakistani officials stated that, despite increased customs controls, their country was still suffering formidable losses of revenue because of the abuse of the Afghan Transit Trade Agreement. This agreement allows containers to be brought into the port of Karachi and then moved by truck through Pakistan to Afghanistan without payment of customs duty and, it has been suggested, with very cursory inspections. Consequently the Committee considers that this agreement also provides opportunities for the arms embargo to be circumvented.

68. Over the years, this transit trade has created an expanding "black" economy in Afghanistan of immense proportions, involving well-established criminal gangs. A recent World Bank study valued the illegal border trade between Afghanistan and Pakistan at US$ 2.5 billion annually. To a lesser degree, this type of cross-border smuggling also exists between Afghanistan and its other neighbours. The total value of this criminal trade through Afghanistan has been estimated at between $3 billion and $4 billion per year (Office for Drug Control and Crime Prevention, February 2001), which, if correct, would indicate that the Taliban receive more funding from this source than from drugs.

69. In view of the sanctions imposed against the Taliban the Committee considers that Pakistan has every right to inspect thoroughly, before sealing, every shipment of goods destined for Afghanistan that enters and transits Pakistan territory. The Committee also considers that all shipments, under the Afghan Transit Trade Agreement, should be subject to control and inspection on entry into, and exit from, Pakistani territory. The magnitude of this "duty-free trade" is such that Pakistan could benefit from specialist technical assistance from the international community.

70. In addition, Pakistan should formulate a list of high value goods that are banned by the Taliban, such as televisions and video cassette recorders, and those for which there is virtually no private use, such as air conditioners and refrigerators, because of the lack of electricity. These items should not be permitted under the terms of the Afghan Transit Trade Agreement. Such controls should be implemented firmly and diligently and the ensuing checks would also enhance Pakistan's commitment towards an effective arms embargo, as well as reducing losses of revenue.

71. There are allegations that Saudi Arabia and the United Arab Emirates have provided financial support to the Taliban. At least until 1998, Saudi Arabia is alleged to have provided funds and heavily subsidized fuel to the Taliban through Pakistan. Through their relationship with traders in the United Arab Emirates and in the Pakistani Province of Baluchistan and the North West Frontier Province, the Taliban are alleged to be linked with local and provincial administrators and with officials in the United Arab Emirates who benefit from the vast smuggling networks that link the three countries.

72. The Committee considers that all those countries that are not parties to the International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly in its resolution 54/109, should be urged to sign, ratify and fully comply with the Convention.

73. Further funds for financing the military capability of the Taliban are believed to come from other countries, and from contributions of individuals, religious groups and organizations sympathizing with the objectives of the Taliban that are based in the Gulf States and beyond. The method of sending funds to the Taliban is not through normal banking operations but through direct deliveries of cash and an informal money exchange system, neither of which is currently susceptible to control or monitoring.

F. Monitoring mechanisms

74. As a result of its findings, the Committee looked at how best to monitor the arms embargo and the closure of the terrorist training camps. Ideas suggested ranged from a large physical presence, under United Nations auspices, which would complement and augment the present border control forces of Afghanistan's neighbours, to the latter's forces being left to enforce the embargoes to the best of their abilities.

75. A large physical presence operating on the borders between the Six and Afghanistan would be very expensive and, even if sufficient police and/or troops could be found from contributing countries, difficult to sustain for what could be a considerable period. The effectiveness of such a force is, in itself, questionable, bearing in mind the number of border control personnel already deployed by the Six. Finally, it is unlikely that any of the Six would countenance the presence of an external force to control their borders; border control is after all a key facet of national sovereignty. Even if one of the Six were to agree, it could prove to be a two-edged sword, enabling the "host" to wash its hands of any responsibility, the blame falling squarely on the shoulders of the United Nations. This idea was thus deemed financially prohibitive and neither realistic nor effective.

76. At the other end of the spectrum, the Committee looked at relying solely on the national border services, as currently deployed, reporting through their Governments to a small coordinating body, which in turn would report to the sanctions Committee.

77. The Committee came to the conclusion that the demands of the Security Council could best be served, from the aspects of speedy implementation, affordability and effectiveness, if the monitoring mechanisms which the Six currently have in place could be strengthened and supported. In order to best achieve this approach, an Office for Sanctions Monitoring and Coordination — Afghanistan requires to be established.

78. The proposed office, which would be headed by a Director, should consist of two parts. The first of these is made up of small teams of experts, working closely

alongside the various border control and counter-terrorist services in each of the countries bordering Afghanistan. These Sanctions Enforcement Support Teams will initially assess capability gaps and then assist with the modernization of all aspects of border legislation, customs procedures and border control techniques, as well as making recommendations for improvements in equipment and arrange for the various types of training which the countries visited have indicated to the Committee they would like to receive to better enforce the sanction.

79. At its headquarters, the Office for Sanctions Monitoring and Coordination shall have, besides the Director, a chief of operations and specialist officers, preferably seconded by contributing States, in the fields of:

- Illegal arms trafficking;
- Drugs, financing and money-laundering;
- Legislation and legal support;
- Counter-terrorism.

80. The Committee considers that this is likely to be an evolutionary process. Once the Office for Sanctions Monitoring and Coordination settles into a productive rhythm it may be necessary to increase or decrease the representation in each discipline, as circumstances demand.

81. An outline organization is given in annex II. The Office headquarters and the Sanctions Enforcement Support Teams will require support staff, information technology equipment and, in the case of the support teams, also language assistants, vehicles and radio equipment. In the interest of safety and security of personnel and speed of implementation of the proposed mechanism, the support teams should be based with the existing UNDP offices in the countries neighbouring Afghanistan.

82. It will be the function of the counter-terrorism component in the Office for Sanctions Monitoring and Coordination to manage the monitoring of the terrorist training camps, by collating and analysing all the information made available to the Secretary-General and then regularly publishing on a wide distribution details about the camps. In this way the international community will be kept apprised of this threat to peace and security, at least until such time as realistic and productive negotiations are held, leading to a lasting political settlement within which must be incorporated a verifiable mechanism for the closure of all terrorist training facilities and a plan to repatriate non-Afghan terrorists.

83. In addition to specific reports to the sanctions Committee concerning the verification of sanctions-busting, leading, where appropriate, to those concerned being "named and shamed", the Office for Sanctions Monitoring and Coordination will also submit, on a regular basis, reports on the progress being achieved by the border service units in each country as a result of the support they are receiving through the support teams. Every country bordering Afghanistan should also be requested to periodically submit a report concerning its enforcement of sanctions.

84. The Sanctions Enforcement Support Teams will be responsible, in conjunction with their hosts, for verifying any allegations of sanctions-busting brought to their attention in the country where they are operating or as a result of a mandate from the headquarters of the Office for Sanctions Monitoring and Coordination. The Office will be responsible for advising and briefing the sanctions Committee, through the Director, on breaches of the arms embargo and other related matters, concerning drug trafficking and finances to the Taliban.

85. The Office for Sanctions Monitoring and Coordination will need to coordinate closely with the Office for Drug Control and Crime Prevention, at both headquarters and field levels, and with other organizations engaged in activities relevant to its work. This approach is intended to avoid duplication and to ensure that the Office can draw on the strengths of those organizations and maximize their joint efforts.

86. It will also be useful for the Office for Sanctions Monitoring and Coordination to ensure that it is kept informed of the progress being made under the auspices of the Wassenaar Arrangement in the field of arms control. The Committee considers that with this approach — providing support for the border control services of the countries neighbouring Afghanistan and encouraging the development of those law enforcement agencies — the Office could provide a vehicle for greater coordination of the collective efforts of these countries at the technical level in the fields under discussion.

87. One of the first tasks that will have to be undertaken when the Office for Sanctions Monitoring

and Coordination is established is a detailed assessment of the requirements for each individual country, including a survey of each country's border with Afghanistan.

G. Location for the proposed monitoring support organization

88. The Security Council and the Secretary-General, based as they are in New York, may consider that the Office for Sanctions Monitoring and Coordination-Afghanistan ought to be located at United Nations Headquarters for certain perceived advantages which the Committee appreciates. However, after careful review of all the advantages and disadvantages, the Committee is of the view that careful consideration should be given to locating the Office for Sanctions Monitoring and Coordination-Afghanistan in Europe, for the following reasons:

- Europe is much closer to the time zones of the regional capitals in the area of operational responsibility, simplifying daily telephone contact between the headquarters of the Office for Sanctions Monitoring and Coordination headquarters and the Sanctions Enforcement Support Teams. For the headquarters staff to be able to speak by telephone with the support team during normal working hours will be crucial to the success of this very small organization, particularly during the first few months of operation while the Office becomes established.
- Working space at the United Nations in New York is now clearly at a premium and finding suitable accommodation for the headquarters of the Office for Sanctions Monitoring and Coordination and the proposed staff is likely to be a major problem, especially if it is to be launched quickly.
- The United Nations Office at Vienna could be considered as a suitable site because it is well established with all the necessary administrative and logistic support systems in place.
- The site provides immediate access to the United Nations global communication system.
- Vienna airport provides quick and easy connections to the regional capitals in the area of operational responsibility.
- Vienna is already home to the Office for Drug Control and Crime Prevention, the Organization for Security and Cooperation in Europe and the Wassenaar Arrangement secretariat, with which the Office for Sanctions Monitoring and Coordination will need to liaise and cooperate.
- The overheads, particularly for personnel costs, are likely to be less in a European city, even Vienna, than in New York.

IV. Conclusions

89. The sanctions imposed on the Taliban must be seen and implemented as part of an overall package pursued by the United Nations to ensure peace and stability in Afghanistan. Thus, the sanctions, the search for a political solution, and the humanitarian and economic efforts all need to be taken as a whole and pursued as parts of an integrated strategy leading to a broad based and responsible government in Afghanistan.

90. No sanctions monitoring will be effective unless there is total commitment of the Member States involved with its implementation. This statement refers particularly to the six countries that border Afghanistan, namely, China, the Islamic Republic of Iran, Pakistan, Tajikistan, Turkmenistan and Uzbekistan. Indeed enforcing sanctions must rely on the will and initiative, primarily, of the countries bordering Afghanistan. However, the capacities of most of these countries are inadequate and a hands-on engagement with them is absolutely essential to strengthen and develop their monitoring mechanisms, at the same time permitting continuous assessment of capacity and follow-up of sanctions enforcement.

91. The Six have all stated to the Committee that they will abide by resolutions 1267 (1999) and 1333 (2000) and that they are implementing the requirements of the resolutions with their border control services. The composition of these services varies from country to country, but in the main they are made up of customs, border guards or police and security service personnel.

92. The effectiveness of the border services varies, depending on their training, the equipment they possess and other local parameters, for example, supporting legislation. All have stated that they would welcome the assistance of the international community in improving the capability of their services in the fight

against organized crime, drugs and arms smuggling and illegal immigration.

93. In view of the sanctions imposed against the Taliban, the Committee considers that Pakistan has every right to inspect thoroughly, before sealing, every shipment of goods destined for Afghanistan that enters and transits through Pakistan territory. The Committee also considers that all shipments, under the Afghan Transit Trade Agreement, should be subject to control and inspection on entry into, and exit from, Pakistani territory. The magnitude of this "duty-free trade" is such that Pakistan could benefit from specialist technical assistance from the international community.

94. The Committee has concluded that the arms embargo and the closure of terrorist training camps can best be monitored by making use of the existing mechanisms which are in place in each of Afghanistan's neighbours, enhancing these mechanisms with a Sanctions Enforcement Support Team in each country. These teams, made up of customs, border security and counter terrorism experts, should form the field arm of the Office for Sanctions Monitoring and Coordination.

95. The work of the teams will be coordinated by a headquarters of the Office for Sanctions Monitoring and Coordination staffed with specialist officers who can support the work of the teams in the field and task the teams to verify and report on allegations of sanctions-busting. The proposed organization could serve as the nucleus for future sanctions monitoring requirements.

V. Recommendations

96. The Committee recommends the establishment of a United Nations Office for Sanctions Monitoring and Coordination-Afghanistan as detailed above, consisting of a Headquarters and Sanctions Enforcement Support Teams working alongside the border control services in the countries neighbouring Afghanistan.

97. Consideration should be given, for sound operational reasons, to the Office for Sanctions Monitoring and Coordination-Afghanistan being located in Europe, possibly at the United Nations Office at Vienna.

98. In the interest of safety and security and speed of implementation the Committee recommends that the proposed Sanctions Enforcement Support Teams be based with the existing United Nations offices in the countries neighbouring Afghanistan.

99. The Committee recommends that urgent consideration should be given to aircraft turbine fuel, and special fluids and lubricants needed for use in armoured vehicles, being specified in the embargo.

100. The Committee recommends that the movement of acetic anhydride should be monitored along with the inflow of arms and war materiel and the outflow of illegal drugs from Afghanistan.

101. The Committee recommends that due consideration be given to the proposed Office for Sanctions Monitoring and Coordination serving as the nucleus for future sanctions monitoring requirements.

102. The Committee recommends that all those countries that are not parties to the International Convention for the Suppression of the Financing of Terrorism, adopted by the General Assembly in its resolution 54/109, should be urged to sign, ratify and fully comply with the Convention.

Annex I

Arms control measures to be considered by the Office for Sanctions Monitoring and Coordination in the overall context of international arms controls

Priority 1

1. Measures to control arms brokers and shipping agents.
2. Measures to register air cargo companies and certify their shipments.
3. Submission of flight plans of arms transport firms.
4. Legislation against the use of false end-user certificates, shipping documents, cargo manifests and flight plans as a crime under national law.
5. Early warning system and satellite surveillance.

Priority 2

6. Publishing information on violations of end-user certificate provisions, including names of companies, countries and individuals involved in unauthorized transfers of weapons to third parties.
7. Monitoring the implementation of an arms embargo by assessing the status of its regime periodically in order to sound an early warning. Hence, dispatch of teams of experts to investigate violations of specific cases and analysis of their findings.

Priority 3

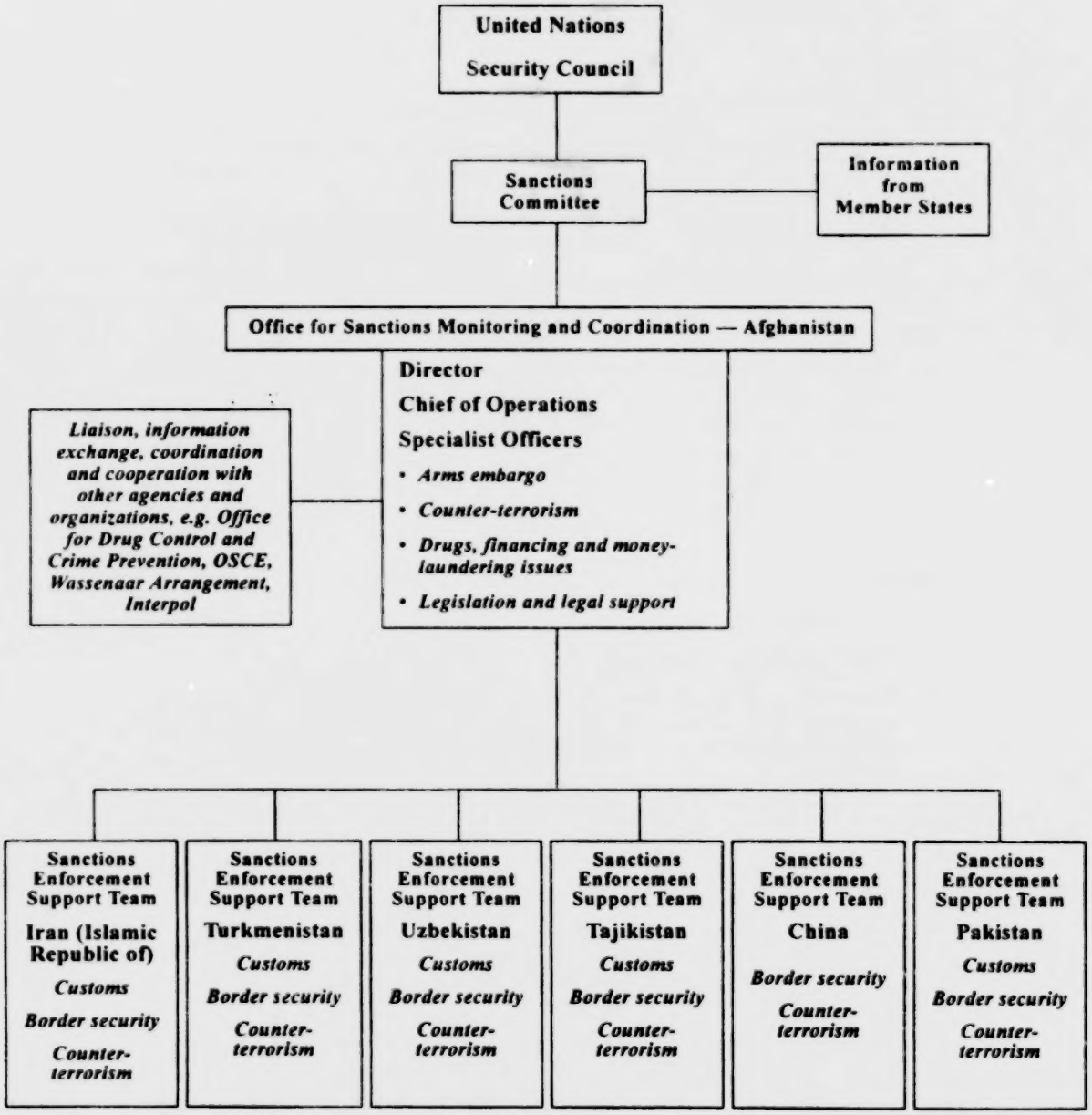
8. Marking newly produced weapons.
9. Weapons purchase security deposits.
10. Establishing an international centre to collect and share information on arms transfers. The creation of an international mechanism of some kind is of great importance whereby there would be a regular reporting of sales, purchases and production.

Priority 4

11. A more serious approach to the United Nations Register of Conventional Arms.
12. Negotiating an internationally binding agreement regulating the activities of arms brokers. (Brokers are individuals and companies engaged in the buying, selling, negotiating, advertising, marketing and transport of all military and para-military services and equipment.)
13. Arms embargo unit. This unit should be staffed with experts on the weapons trade, financial flows, customs controls and dual-use technologies, as well as with legal advisers. This could be the repository of a databank on violations and violators.
14. Measures against mercenaries/private security companies.

Annex II

Outline organization for a sanctions monitoring mechanism for Afghanistan



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